IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 6651 OF 2006

Dated : April 6, 2006

Between:

Ambati Srinivasulu Naidu

Petitioner

AND

Southern Power Distribution Company of A.P. Ltd.,

Operation Circle, Rep. by its Managing Director,

Tirupathi and another

Respondents

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 6651 OF 2006

ORAL ORDER:

Seeking a direction to declare the action of the 2nd respondent in keeping the petitioner under suspension by proceedings dated 19.11.2005 as illegal and arbitrary and contrary to the Regulations of A.P.S.E.B. Discipline and Appeal Regulations and to consequently to revoke suspension, this writ petition is filed.

The petitioner is working as Typist in the respondent company. It is averred that his wife, as a counter blast to the petition filed under Sec. 9 of Hindu Marriage Act, for restitution of conjugal rights, has lodged a complaint with I Town Police Station, Nellore, against the petitioner herein which was registered as Cr. No. 266 of 2005 for the offences under Sec.498-A, 506 and 497 IPC and the petitioner was arrested on 13.11.2005 and was remanded to judicial custody and was enlarged on bail on 16.11.2005. Since the petitioner did not attend office, the 2nd respondent vide proceedings dated 19.11.2005 placed the petitioner under suspension.

The learned counsel for the petitioner contends that there is no necessity to continue the suspension order, inasmuch as the arrest and remand of the petitioner is not in connection with the discharge of official duties. He further contends that the neither the representation dated 17.3.2006 submitted by the petitioner was considered nor his case was reviewed periodically, therefore, seeks a direction to the respondents to revoke the suspension order.

Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It is a fact that consequent upon arrest and remand of the petitioner to judicial custody, the petitioner was placed under suspension. The learned counsel for the petitioner contended that since the arrest and remand of the petitioner, arose out of the complaint lodged by the wife of the petitioner and not in discharge of official duties, there is no need to continue suspension order and it has to reviewed from time to time and the respondents be directed to revoked the same.

Admittedly the petitioner was in judicial custody from

13.11.2005 to 16.11.2005 and after his release on bail, the petitioner appears to have made a representation dated 17.3.2006 to revoke suspension, which is pending consideration before the 2nd respondent. In view of these facts, I deem it appropriate to direct the 2nd respondent to consider the representation dated 17.3.2006 submitted by the petitioner and pass appropriate orders with regard to continuance or otherwise of the suspension of the petitioner.

With this direction, the writ petition stands disposed of. No order as to costs.

N.V.RAMANA, J.

April 6, 2006

MAS